

Notice of Allowability

Application No.

09/870,323

Applicant(s)

ARSENAULT ET AL.

Examiner

Ngoc K. Vu

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/22/2006.
2. ☒ The allowed claim(s) is/are 1,5-30,32-53,55-63,65-72,82-85 and 87-108.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Georgann Grunebach on February 20, 2007.

The application has been amended as follows:

In the claims:

Claim 1, line 1, "continuous services" has been changed to --a slaved service--.

Claim 1, line 11, after "is applied", --at the input, which is produced from the service selector through the first tuner and the first splitter-- has been inserted.

Claim 1, lines 11-12, "by the selector through the first tuner through the first splitter" has been deleted.

Claim 6, line 2, "having an input" has been changed to --having a second input--; "a first output" has been changed to --a second output--; and "a slaved output" has been changed to --a second slaved output, the second splitter--.

Claim 6, line 3, "at the input" has been changed to --at the second input--; and "a first service" has been changed to --a second service--.

Claim 6, line 4, "the first output" has been changed to --the second output--; and "the slave output" has been changed to --the second slaved output--.

Claim 6, line 5, "at the input" has been changed to --at the second input--.

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Claim 6, line 6, "receiving the output" has been changed to --receiving the second output--; and "the first second" has been changed to --the second service--.

Claim 6, line 8, after "a switch for", --selectably providing one of the slaved output of the first splitter and the second slaved output of the second splitter to-- has been inserted.

Claim 6, lines 8-9, "selecting the slaved output to" and "between the slaved output of the first splitter and the slaved output of the second splitter" have been deleted.

Claim 28, line 1, "receiving services" has been changed to --receiving a slaved service--.

Claim 28, line 3, "a first signal" has been changed to --the first signal--; and "a slaved service" has been changed to --the slaved service--.

Claim 28, line 9, "receiving a second signal" has been changed to --receiving the second signal--.

Claim 28, line 11, "and" has been deleted.

Claim 28, line 13, "output." has been changed to --output; and tuning the selected input to the slaved tuner to receive the slaved service--.

Claim 32, line 32, "the second tuner" has been deleted.

Claim 53, line 1, "continuous services--" has been changed to --a slaved service--.

Claim 53, line 6, "having an input" has been changed to --having a first input--; and after "a first output", --communicated-- has been inserted.

Claim 53, line 7, after "the first service", --,-- has been inserted; and after "a first slaved output", --communicated-- has been inserted.

Claim 53, line 8, "the input; and" has been changed to --the first input; and wherein:--.

Claim 53, line 9, "wherein" has been deleted.

Claim 53, line 10, "the same polarization and" has been changed to --the same polarization,--.

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Claim 53, line 12, "splitter" has been changed to --splitter; the second splitter--; and "a second output to a first tuner for tuning the second service" has been changed to --a second output communicated to a second tuner for tuning the second service,--.

Claim 53, line 13, after "slaved output", --communicated-- has been inserted; and after "the slaved service", --;-- has been inserted.

Claim 63, line 1, "transmitting services" has been changed to --a slaved service--.

Claim 63, line 2, "a slaved service" has been changed to --the slaved service--.

Claim 63, line 5, "having a input" has been changed to --having a first input--; and after "a first output", --, and a first slaved output, the first output provided-- has been inserted.

Claim 63, line 6, "a first slaved output" has been changed to --the first slaved output provided--.

Claim 63, line 7, "service and" has been changed to --service,--; "is" has been deleted; and "at the input" has been changed to --at the first input--.

Claim 63, line 9, "the same polarization and" has been changed to --the same polarization;--.

Claim 63, line 11, after "splitter", --; the second splitter-- has been inserted; after "second output", --communicated-- has been inserted; "a first tuner" has been changed to --a second tuner--; and after "the second service", --,-- has been inserted.

Claim 63, line 12, after "second slaved output", --communicated-- has been inserted; and after "the slaved service", --;-- has been inserted.

Claim 63, line 14, after "second slaved outputs", --for providing the slaved service-- has been inserted.

Claim 87, line 2, "an input" has been changed to --a first input--; and "a slaved output" has been changed to --a first slaved output--.

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Claim 87, line 3, after "at the", --first-- has been inserted; before "slaved service", --first-- has been inserted.

Claim 87, line 4, before "slaved output", --first-- has been inserted.

Claim 87, line 5, "at the input" has been changed to --at the first input--.

Claim 87, line 7, before "slaved output", --first-- has been inserted; before "salved service", --first-- has been inserted.

Claim 87, line 8, "an input" has been changed to --a second input--; "a first output" has been changed to --a second output--; "a slaved output" has been changed to --a second slaved output, the second splitter-- has been inserted.

Claim 87, line 9, "at the input" has been changed to --at the second input--; and "a first service" has been changed to --a second service--.

Claim 87, line 10, "the first output and the slaved output" has been changed to --the second output and the second slaved output--.

Claim 87, line 11, "at the input" has been changed to --at the second input--.

Claim 87, line 12, before "output of the second splitter", --second-- has been inserted; and "the first service" has been changed to --the second service--.

Claim 87, line 14, after "a switch for", --selectably providing one of the slaved output of the first splitter and the second slaved output of the second splitter to-- has been inserted.

Claim 87, lines 14-15, "selecting the slaved output to", and "between the slaved output of the first splitter and the slaved output of the second splitter" have been deleted.

2. The following is an examiner's statement of reasons for allowance:

The prior art of the record fails to teach or fairly suggest the limitations "a service selector for directing...through the first tuner and the first splitter" as recited in claim 1, "selecting

an input to the slaved tuner between the first slaved output and the second slaved output; and tuning the selected input to the slaved tuner to receive the slaved service" as recited in claim 28, "the at least one transmit station transmits...between the first and second slaved outputs" as recited in claims 53 and 63, and "a second splitter having a second input...a switch for selectably providing one of the slaved output of the first splitter and the second slaved output of the second splitter to the slaved tuner" as recited in claim 87.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ina (US 7,043,750 B2) teaches a set top box with out-of-band modem and cable modem. Flickner et al. (US 20010037512 A1) teaches a signal interface for bi-directional communication device.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NGOC K. VU
PRIMARY EXAMINER
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February 20, 2007